



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,569	12/29/1999	ROLAND LAMER	70191/239	2393

7590 12/18/2002

FOLEY & LARDNER
FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 532025367

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

W

Office Action Summary

Application No.

09/474,569

Applicant(s)

ROLAND LAMER

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2174

DETAILED ACTION

Applicant's Amendment filed 10/21/02 has been entered and carefully considered. Claims 1, 14 and 23-31 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-31 are rejected under the same ground of rejection as set forth in the Office Action mailed (07/19/02).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rock et al. [US. 6,032,120] in view of Wong et al. [US. 6,260,021 B1].

As to claims 1, 14 and 23, Rock et al. discloses a display unit (figure 1, (140)); a first application configured to display patient images for a patient on the display unit (figure 1, client application (110), column 2, lines 45-53 and column 3, lines 11-24) and generated a patient context for the patient (column 1, lines 50-60); a second application (figure 1, server application, (120), column 2, lines 53-67 and column 3, lines 23-44); and the first application configured to provide the patient context to the second

Art Unit: 2174

application, and display patient data from the second application based on the patient context (column 1, line 48 through column 2, lines 14). The difference between Rock et al. and the claim is a workstation coupled to the display unit. Wong et al. shows the workstation on figure 1, column 3, lines 42-58). It would have been obvious to one of ordinary skill in the art, having the teachings of Rock et al. and Wong et al. before them at the time the invention was made to modify the patient data information system display unit taught by Rock et al. to include the workstation of Wong et al., in order to distribute medical images from one or more existing storage systems to a plurality of network attached client workstations as taught by Wong et al. As to claim 2, Rock in view of Wong et al. also discloses the first application is configured to retrieve patient image data from a picture archival and communication system (PACS) (Wong, figure 1, (26), column 7, lines 28-37); second application is configured to retrieve patient textual data from a radiology, information system (RIS), wherein the patient data includes the patient textual data (figure 1, (18), column 8, lines 10-30).

As to claim 4, Rock et al. disclose a digital medical image display routine automatically presents the image to the user on the display. It is inherent that the digital image display includes a monitor that has resolution of at least 90 dpi.

As to claims 5, 20 and 29, Rock in view of Wong et al. also teaches the

Art Unit: 2174

second application is selected from the group consisting of a case signout application, a report entry application, an order detailing application, and an order viewer application (Wong, column 4, lines 1-25).

As to claim 6, Rock in view of Wong et al. shows a second workstation coupled to the workstation, the second workstation configured to operate the second application (Wong, column 3, lines 42-60).

As to claims 7 and 8, Rock in view of Wong et al. also shows the second application is coupled to the first application via an object request broker and further comprising a bridge coupled between the second application and the object request broker, wherein the second application communicates via the component object model (COM) (Wong, column 6, lines 35-55 and column 7, lines 38-57).

As to claims 9, 10, 21 and 30, Rock in view of Wong et al. demonstrates the first application generating the patient context in response to user input at the input unit and the input unit is selected from the group consisting of a mouse, a voice recognition system, a keystroke, a switch, and a light pen (Wong, column 10, line 50 through column 11, line 5).

As to claims 11, 17 and 26, Wong et al. also demonstrates patient context includes patient identification data (column 11, lines 58-65).

As to claim 12, Wong et al. discloses the patient context includes user identification data (column 13, lines 10-16).

As to claims 13, 22 and 31, Wong et al. also discloses the patient data includes patient examination information (column 10, lines 47-65).

Art Unit: 2174

As to claims 15 and 24, Wong et al. teaches retrieving the first set of patient data from an image database (column 12, line 65 through column 13, line 6).

As to claims 18 and 27, Rock et al. shows the step of providing includes generating an event based on the patient context and providing the event to the second application (column 1, lines 47-67).

As to claims 19 and 28, Rock et al. also shows converting the event from a first object model to a second object model and providing the converted event to the second application (column 4, lines 25-41).

Response to Arguments

Applicant has argued that Rock does not teach a workstation configured to operate a first application and a second application where the first application generates a patient context and provides the patient context to the second application that is configured to display patient data based on the patient context. However, the Examiner does not agree. Rock et al. discloses a display unit (figure 1, (140)); a first application configured to display patient images for a patient on the display unit (figure 1, client application (110), column 2, lines 45-53 and column 3, lines 11-24) and generated a patient context for the patient (column 1, lines 50-60);

Applicant's attention is directed to the lines "a system and method are provided for accessing and displaying a stored digital medical image by sending a request comprising information identifying a medical study"; second application (figure 1, server application, (120), column 2, lines 53-67

Art Unit: 2174

and column 3, lines 23-44); and the first application configured to provide the patient context to the second application (Rock cites "the client application comprises a request sending routine for sending a request for a particular medical study to a server application" at column 2, lines 45-50 read as the first application configured to provide the patient context to the second application) and display patient data from the second application based on the patient context (Rock cites "a digital medical image display an image on the display routine for displaying an image on the display") (column 1, line 48 through column 2, lines 14 and column 2, lines 45-55).

Also, in response to Applicant's argument that Wong does not teach sharing a patient context between a first application and a second application residing on the same workstation where the second application is configured to display patient data based on the patient context, ~~However,~~ ^{KK 12/02} Wong shows the workstation at figure 1. Although Wong does not show sharing a patient context between a first application and a second application, Rock et al. teaches this feature at column 2, lines 45-50. It is noted that the feature "a first application and a second application residing on the same workstation" are not recited in the rejected claim (s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2174

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238, may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Art Unit: 2174

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran
Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100